



DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 230109-0004]

RTID 0648-XC472

Revisions to Framework Adjustment 63 to the Northeast Multispecies Fishery

Management Plan and Sector Annual Catch Entitlements

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule; adjustment to specifications.

SUMMARY: This final rule announces carryover allocation from fishing year 2021 into fishing year 2022 for the Northeast Multispecies sectors program. This action is necessary to distribute carryover quota to sectors. The carryover adjustments in this rule are routine and formulaic, and industry expects them each year.

DATES: Effective January 13, 2023, through April 30, 2023.

FOR FURTHER INFORMATION CONTACT: Spencer Talmage, Fishery Management Specialist, (978) 281-9232.

SUPPLEMENTARY INFORMATION: On July 15, 2022, we published a final rule approving Framework Adjustment 63 to the Northeast Multispecies Fishery Management Plan (FMP) (87 FR 42375), which set or adjusted annual catch limits (ACL) for 5 of the 20 groundfish stocks, and 2022 ACLs for three shared U.S./Canada stocks. This rule distributes unused sector quota carried over from fishing year 2021 to fishing year 2022.

Sector Carryover Allocations from Fishing Year 2021

Carryover regulations at 50 CFR 648.87(b)(1)(i)(C) allow each groundfish sector to carry over an amount of unused annual catch entitlement (ACE) up to 10 percent of the

sector's original ACE for each stock (except for Georges Bank [GB] yellowtail flounder) that is unused at the end of the fishing year into the following fishing year. We are required to adjust ACE carryover to ensure that the total unused ACE combined with the overall sub-ACL does not exceed the acceptable biological catch (ABC) for the fishing year in which the carryover may be harvested. We have completed 2021 fishing year data reconciliation with sectors and determined final 2021 fishing year sector catch and the amount of allocation that sectors may carry over from the 2021 to the 2022 fishing year. Accordingly, unused ACE from fishing year 2021 available to carry over to fishing year 2022 has been reduced for the following stocks: GB cod; GB haddock; Gulf of Maine (GOM) haddock; Southern New England/Mid-Atlantic (SNE/MA) yellowtail flounder; Cape Cod/GOM yellowtail flounder; American plaice, witch flounder; GB winter flounder; GOM winter flounder; SNE/MA winter flounder; redfish; white hake; and pollock. The only stock for which carryover was a full 10 percent of the original quota allocation from fishing year 2021 was GOM cod. Complete details on carryover reduction percentages can be found at:

https://www.greateratlantic.fisheries.noaa.gov/ro/fso/reports/h/groundfish_catch_accounting.

Table 1 includes the maximum amount of allocation that sectors may carry over from the 2021 to the 2022 fishing year. Table 2 includes the *de minimis* amount of carryover for each sector for the 2022 fishing year. If the overall ACL for any allocated stock is exceeded for the 2022 fishing year, the allowed carryover harvested by a sector, minus the pounds in the sector's *de minimis* amount, will be counted against its allocation to determine whether an overage subject to an accountability measure occurred. Tables 3 and 4 list the final ACE available to sectors for the 2022 fishing year, including finalized carryover amounts for each sector, as adjusted down when necessary to equal each stock's ABC.

Table 1 -- Finalized Carryover ACE from Fishing Year 2021 to Fishing Year 2022 (lb)

Sector	GB Cod East	GB Cod West	GOM Cod	GB Haddock East	GB Haddock West	GOM Haddock	GB Yellowtail Flounder	SNE/MA Yellowtail Flounder	CC/GOM Yellowtail Flounder	Plaice	Witch Flounder	GB Winter Flounder	GOM Winter Flounder	SNE/MA Winter Flounder	Redfish	White Hake	Pollock
FGS	0	4,007	417	0	175,758	2,704	0	5	1,447	1,603	1,800	9	2,806	396	6,762	3,836	57,586
MCCS	0	766	8,542	0	318,361	165,856	0	73	4,224	44,330	18,245	543	1,947	773	115,794	51,084	227,108
MOON	0	3,717	2,743	0	356,825	55,123	0	24	2,552	2,734	2,969	426	995	941	56,532	2,719	177,751
NEFS 2	0	2,021	15,861	0	995,505	332,301	0	47	21,236	35,663	23,995	1,450	8,577	1,608	181,053	9,709	245,450
NEFS 4	0	2,301	6,645	0	541,913	132,626	0	64	5,412	30,331	13,249	312	2,598	382	24,305	15,836	115,911
NEFS 5	0	146	192	0	54,114	1,705	0	527	802	1,470	1,073	142	294	4,355	219	173	646
NEFS 6	0	967	1,742	0	334,079	65,704	0	146	3,545	14,508	9,843	776	1,661	734	81,139	8,708	61,875
NEFS 7	0	143	14	0	37,014	251	0	29	43	798	416	136	19	72	1,880	281	3,060
NEFS 8	0	3,030	1,408	0	856,526	76,030	0	216	5,834	24,266	10,423	13,411	1,382	3,933	63,323	16,046	67,603
NEFS 10	0	163	1,473	0	16,463	19,159	0	15	3,627	3,446	3,352	4	3,184	231	3,989	1,553	12,888
NEFS 11	0	123	6,886	0	3,232	41,671	0	0	2,065	5,064	2,627	1	716	7	22,374	9,515	148,075
NEFS 12	0	195	1,868	0	8,733	16,282	0	0	7,276	2,541	1,021	0	4,615	100	2,715	1,057	13,136
NEFS 13	0	3,933	478	0	1,988,995	14,606	0	686	5,932	27,872	15,829	8,763	814	6,803	52,839	8,111	45,717
SHS1	0	1,734	1,780	0	703,735	134,966	0	30	2,402	36,233	15,218	3,527	896	1,172	98,328	19,877	109,108
SHS2	0	127	999	0	168,382	22,360	0	130	4,807	9,196	239	31	1,473	3,205	13,522	2,799	21,595
SHS3	0	5,278	4,409	0	2,437,422	358,264	0	203	8,153	64,173	31,809	7,939	1,084	8,348	384,144	80,174	332,722
Total	0	28,651	55,457	0	8,997,057	1,439,608	0	2,195	79,357	304,228	152,108	37,470	33,061	33,060	1,108,918	231,478	1,640,231

Georges Bank Cod Fixed Gear Sector (FGS), Maine Coast Community Sector (MCCS), Mooncusser Sector (MOON), Maine Permit Bank (MPB), New Hampshire Permit Bank (NHPB), Northeast Fishery Sectors (NEFS), and Sustainable Harvest Sector (SHS).

Table 2 -- *De Minimis* Carryover ACE from Fishing Year 2021 to Fishing Year 2022 (lb)

Sector	GB Cod East	GB Cod West	GOM Cod	GB Haddock East	GB Haddock West	GOM Haddock	GB Yellowtail Flounder	SNE/MA Yellowtail Flounder	CC/GOM Yellowtail Flounder	Plaice	Witch Flounder	GB Winter Flounder	GOM Winter Flounder	SNE/MA Winter Flounder	Redfish	White Hake	Pollock
FGS	0	622	42	0	25,846	282	0	1	261	292	319	3	498	63	1,130	458	9,674
MCCS	0	116	950	0	50,694	19,081	0	8	980	9,019	3,580	93	493	116	18,778	6,045	39,354
MOON	0	646	371	0	63,875	5,739	0	3	461	498	527	118	177	157	10,000	2,719	32,819
NEFS 2	0	345	1,423	0	176,140	32,046	0	4	3,469	5,549	3,752	400	1,344	260	31,404	3,580	42,910
NEFS 4	0	400	664	0	97,007	13,808	0	8	978	5,524	2,575	87	461	64	14,063	3,629	21,401
NEFS 5	0	26	19	0	13,462	178	0	61	145	253	180	53	52	662	39	40	140
NEFS 6	0	168	174	0	59,803	6,840	0	18	641	2,642	1,746	215	295	122	14,353	1,985	11,424
NEFS 7	0	25	1	0	6,626	26	0	4	8	146	74	38	3	12	333	35	565
NEFS 8	0	545	149	0	162,779	8,817	0	26	1,063	4,537	1,925	3,751	246	653	11,965	2,087	13,002
NEFS 10	0	29	156	0	2,947	2,069	0	2	680	707	617	1	584	39	710	289	2,407
NEFS 11	0	21	675	0	578	4,332	0	0	349	907	452	0	124	1	3,958	1,889	27,332
NEFS 12	0	34	186	0	1,563	1,695	0	0	1,314	463	181	0	638	17	480	130	2,426
NEFS 13	0	674	38	0	354,362	1,406	0	83	984	4,965	2,629	2,425	110	1,118	9,269	978	8,359
SHS1	0	397	283	0	159,271	20,553	0	7	749	8,041	3,509	1,438	209	370	29,148	7,270	31,783
SHS2	0	127	90	0	35,691	2,237	0	16	866	1,452	239	31	260	537	2,347	731	4,523
SHS3	0	911	397	0	428,305	31,540	0	29	1,565	10,885	5,234	2,444	193	1,319	58,789	8,845	55,340
Total	0	5,086	5,618	0	1,638,949	150,649	0	270	14,513	55,880	27,539	11,097	5,687	5,510	206,766	40,710	303,459

Table 3 -- Total ACE Available to Sectors in Fishing Year 2022 including Final Carryover (mt)

Sector	GB Cod East	GB Cod West	GOM Cod	GB Haddock East	GB Haddock West	GOM Haddock	GB Yellowtail Flounder	SNE/MA Yellowtail Flounder	CC/GOM Yellowtail Flounder	Plaice	Witch Flounder	GB Winter Flounder	GOM Winter Flounder	SNE/MA Winter Flounder	Redfish	White Hake	Pollock
FGS	19	12	2	103	1,149	14	0	0	12	14	15	0	24	3	54	23	465
MCCS	3	2	47	202	2,242	941	2	0	46	429	171	4	23	6	904	297	1,888
MOON	19	12	18	255	2,804	285	1	0	22	24	25	6	8	8	479	213	1,569
MPB	0	0	3	3	31	79	0	0	2	31	10	0	1	0	79	33	240
NEFS 2	10	6	72	702	7,739	1,604	2	0	167	268	181	19	65	13	1,507	167	2,058
NEFS 4	12	7	33	387	4,259	686	2	0	47	264	123	4	22	3	649	172	1,023
NEFS 5	1	0	1	54	581	9	1	3	7	12	9	2	3	32	2	2	7
NEFS 6	5	3	9	238	2,626	340	3	1	31	126	84	10	14	6	688	94	546
NEFS 7	1	0	0	26	291	1	1	0	0	7	4	2	0	1	16	2	27
NEFS 8	16	10	7	649	7,123	434	22	1	51	217	92	176	12	31	571	102	620
NEFS 10	1	1	8	12	129	103	0	0	32	34	29	0	28	2	34	14	115
NEFS 11	1	0	34	2	25	215	0	0	17	43	22	0	6	0	190	90	1,307
NEFS 12	1	1	9	6	69	84	0	0	63	22	9	0	31	1	23	6	116
NEFS 13	20	12	2	1,413	15,563	70	35	4	47	238	126	114	5	54	444	48	400
NHPB	0	0	3	0	0	2	0	0	0	1	0	0	0	0	2	2	16
SHS 1	12	7	14	635	6,908	994	5	0	35	381	166	67	10	17	1,367	339	1,491
SHS 2	8	4	5	142	1,553	112	5	1	41	70	30	49	12	26	113	34	215
SHS 3	27	17	20	1,708	18,825	1,593	14	1	75	523	252	114	9	64	2,841	438	2,661
Total	156	95	286	6,538	71,918	7,568	94	13	697	2,704	1,346	568	274	265	9,962	2,075	14,764

Table 4 -- Total ACE Available to Sectors in Fishing Year 2022 including Final Carryover (1,000 lb)

Sector	GB Cod East	GB Cod West	GOM Cod	GB Haddock East	GB Haddock West	GOM Haddock	GB Yellowtail Flounder	SNE/MA Yellowtail Flounder	CC/GOM Yellowtail Flounder	Plaice	Witch Flounder	GB Winter Flounder	GOM Winter Flounder	SNE/MA Winter Flounder	Redfish	White Hake	Pollock
FGS	41	25	5	227	2,533	31	0	0	28	31	34	0	53	7	120	50	1,025
MCCS	8	5	104	446	4,942	2,074	4	1	102	946	376	10	51	12	1,994	656	4,162
MOON	42	26	40	562	6,183	629	3	0	49	53	56	12	19	17	1,057	471	3,460
MPB	0	0	7	6	67	175	0	0	5	68	21	0	3	0	173	73	528
NEFS 2	23	14	158	1,548	17,061	3,537	3	0	368	591	399	41	143	28	3,321	368	4,536
NEFS 4	26	16	73	853	9,390	1,513	5	1	103	583	271	9	49	7	1,431	379	2,256
NEFS 5	2	1	2	118	1,282	19	3	7	15	27	19	5	6	71	4	4	15
NEFS 6	11	7	19	526	5,789	750	7	2	68	279	184	22	31	13	1,516	207	1,204
NEFS 7	2	1	0	58	641	3	3	0	1	15	8	4	0	1	35	4	60
NEFS 8	36	22	16	1,431	15,703	958	49	3	112	478	203	389	26	69	1,260	225	1,368
NEFS 10	2	1	17	26	285	226	0	0	72	74	65	0	62	4	75	30	254
NEFS 11	1	1	74	5	56	475	0	0	37	96	48	0	13	0	418	198	2,881
NEFS 12	2	1	20	14	151	186	0	0	139	49	19	0	68	2	51	14	256
NEFS 13	44	27	4	3,115	34,310	155	78	9	104	524	279	251	12	119	980	106	882
NHPB	0	0	7	0	0	5	0	0	0	2	0	0	0	0	4	4	35
SHS 1	26	15	30	1,400	15,231	2,190	12	1	77	840	366	147	22	38	3,013	747	3,287
SHS 2	18	9	10	314	3,424	246	11	2	91	154	65	108	27	57	248	76	474
SHS 3	60	37	44	3,765	41,503	3,512	31	3	165	1,153	555	252	20	140	6,263	965	5,867
Total	344	209	631	14,415	158,551	16,685	207	29	1,536	5,962	2,968	1,253	605	584	21,963	4,575	32,549

Classification

NMFS is issuing this rule pursuant to 305(d) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA), which provides specific authority for implementing this action. Section 305(d) authorizes NMFS to take action to carry out provisions in FMPs and of the MSA. In a previous action taken pursuant to section 304(b), NMFS approved the Council designed provisions in the FMP to authorize NMFS to annually adjust and distribute sector carryover consistent with MSA requirements to prevent overfishing and achieve optimum yield. See § 648.87(b)(1)(i)(C). The NMFS Assistant Administrator has determined that this final rule is consistent with the Northeast Multispecies FMP, other provisions of the Magnuson-Stevens Fishery Conservation and Management Act, and other applicable laws.

This final rule is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(3)(B), we find good cause to waive prior public notice and opportunity for public comment on the allocation adjustments because allowing time for notice and comment is impracticable, unnecessary, and contrary to the public interest. We also find good cause to waive the 30-day delay in effectiveness pursuant to 5 U.S.C. 553(d)(1) and (3), so that this final rule may become effective in a timely manner and the fishery may maximize the economic benefits of the adjusted allocations to the fishery.

Notice and comment and a 30-day delay in effectiveness would be impracticable, unnecessary, and contrary to the public interest. The distribution of unused quota carried over from the previous fishing year is an annual adjustment action that is expected by industry. These adjustments increase available catch, and sector vessels will be able to fish for this additional catch as soon as this action is in effect, which will provide increased operational flexibility and ability to catch its available allocation. They are routine, formulaic, and authorized by regulation. The public had prior notice and

opportunity to participate in the development of and comment on the regulations implementing this process and expects this adjustment each year. Delaying these adjustments would result in a delay in the distribution of unused carryover to sectors, and could negate or reduce the intended economic benefits and increased operational flexibility provided by these adjustments. Carryover from 2021 was only recently finalized because it is based on data that was not available until the late fall upon the conclusion of the catch accounting process for fishing year 2021.

Also, because advanced notice and the opportunity for public comment are not required for this action under the Administrative Procedure Act, or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, do not apply to this rule. Therefore, no final regulatory flexibility analysis is required and none has been prepared.

This final rule contains no information collection requirements under the Paperwork Reduction Act of 1995.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: January 10, 2023.

Samuel D. Rauch, III

Deputy Assistant Administrator for Regulatory Programs,

National Marine Fisheries Service.

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